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F. D. Poole. Judgment for plaintiff, and defendant brings error. Affirmed.

W. B. Kegley, of Wytheville, for plaintiff in error.

Robert Sayers and *S. B. Campbell*, both of Wytheville, for defendant in error.

NOTE.

For editorial reference to the above case, see 5 Va. Law Reg. N. S. 957, and 6 Va. Law Reg., N. S., 62. For other comments, see "Miscellany" in this number.

ECHARD v. WAGGONER et ux.

Nov. 20, 1919.

[101 S. E. 245.]

1. Evidence (§ 419 (2)*)—Parol Evidence Showing Consideration for Deed.—Parol evidence is admissible to show the true consideration for a conveyance, and that the actual consideration paid or promised was different from that stated in the deed, if the evidence does not alter or contradict the legal import of the deed.

[Ed. Note.—For other cases, see 10 Va.-W. Va. Enc. Dig. 702, 703.]

2. Deeds (§ 19*)—Inseparable Character of Consideration for Life Lease and Conveyance of Remainder.—Where father and mother deeded land to daughter on their death, retaining a life estate, and leasing to daughter for life in consideration of daughter's paying their debts and supporting them during their lives, and, after the father and mother left her house on account of quarrels, the daughter refused to pay their debts or taxes on the land promptly, the consideration for the conveyance to her of the remainder, and the consideration for the lease of the life estate to her could not be apportioned or separated, and the deed was subject to cancellation in the father's and mother's suit for failure of consideration, though there was a reserved right in them to cancel the lease for failure to support and to reassume possession at will.

[Ed. Note.—For other cases, see 4 Va.-W. Va. Enc. Dig. 387 et seq.]

3. Cancellation of Instruments (§ 32*)—Cancellation of Deed Whose Consideration Has Failed.—Equity has jurisdiction to cancel conveyances the consideration for which has failed.

[Ed. Note.—For other cases, see 4 Va.-W. Va. Enc. Dig. 392; 11 Va.-W. Va. Enc. Dig. 892, 893.]

4. Equity (§ 39 (1)*)—Retention of Jurisdiction Once Acquired.—Having acquired jurisdiction of a suit to cancel a deed, the equity

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

court should administer such relief as appears to be proper in the particular case.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 171 et seq.; 8 Va.-W. Va. Enc. Dig. 873.]

Suit by Uriah Waggoner and wife against Barbara Echard. From decree for plaintiffs, defendant appeals. Affirmed.

Jos. A. Glasgow, of Staunton, for appellant.

John M. Colaw, of Monterey, and *Timberlake & Nelson* and *L. Travis White*, all of Staunton, for appellees.

BRYAN *v.* COMMONWEALTH.

Nov. 20, 1919.

[101 S. E. 316.]

Criminal Law (§ 201*)—Former Conviction for Same Offense in Mayor's Court.—Acts 1918, c. 388, changing the original prohibition statute, especially Acts 1916, c. 146, §§ 24, 27, confer upon the mayor of a city concurrent jurisdiction with the circuit court to try a defendant for the unlawful transporting of intoxicating liquors along one of the city streets, and his judgment therein bars a second prosecution therefor in the circuit court by virtue of Bill of Rights, § 8, which ordains that no man shall "be put twice in jeopardy for the same offense."

Sims, J., dissenting.

[Ed. Note.—For other cases, see 2 Va.-W. Va. Enc. Dig. 183.]

Appeal from Circuit Court, Rockingham County.

Henry C. Bryan was convicted of unlawfully transporting liquor along one of the streets of the City of Harrisonburg, and he brings error. Judgment reversed.

Charles A. Hammer, of Harrisonburg, for plaintiff in error.

The Attorney General and *Leon M. Bazile*, of Richmond, for the Commonwealth.

BROADDUS *v.* COMMONWEALTH.

Nov. 20, 1919.

[101 S. E. 321.]

1. Rape (§ 15*)—Attempt to Commit Rape.—The intent is an essential element of the crime of an attempt to commit rape.

[Ed. Note.—For other cases, see 11 Va.-W. Va. Enc. Dig. 627.]

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.